

**JEFFERSON COUNTY COMMISSION**



**OFFICE OF COUNTY ATTORNEY**

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January 18, 2013

Rowan Wilson  
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825 Eighth Avenue  
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Jay D. Adelstein  
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U.S. Dept. of Justice  
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950 Pennsylvania Ave., N.W.  
Washington, DC 20530

Dr. John G. Veres, III  
Auburn University at Montgomery  
Center for Business & Economic Dev.  
600 South Court Street  
Montgomery, Alabama 36104

Re: *USA v. Jefferson County, et al.*

Gentlemen:

As you all are aware, Jefferson County as of December 31 ceased the operation of Cooper Green Mercy Hospital in favor of an Urgent Care facility. In order to operate an Urgent Care facility in accordance with certain healthcare mandates, the County needs to immediately hire 8 Clinical Nurse Practitioners. The County needs to make these hires within a two week time period. If you will review the information provided by the Personnel Board, you will see that the Board maintains and currently has a list for this particular classification. Upon review of that list, you will see that there are currently 18 persons on the register and 18 persons on the certification list, all ranked number 1. Of those 18 persons, 11 are black, 5 are white, 15 are female, 1 is male, and 2 of the applicants' race and gender is not disclosed. In light of the emergency situation which the County faces, I would ask that the parties expeditiously review this information and allow the County to make random selections of 8 Clinical Nurse Practitioners from the register maintained by the Jefferson County Personnel Board.

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In addition to this very urgent need to hire Clinical Nurse Practitioners, the County has recently lost 2 Principal Buyers in the Purchasing Department. These losses have left that Department in dire straits to adequately serve the County. In reviewing the information provided by the Personnel Board regarding the classification of Principal Buyer, I would direct your attention to the layoff list. The 2 people that would be contacted to return to work if the layoff list is used are both African American females. In light of the Purchasing Department's need and the composition of the layoff list in this particular classification, I would request that the parties review the information and allow Jefferson County to return to work the two most senior persons on the layoff list provided by the Personnel Board.

The Jefferson County Coroner's Office is in desperate need of a Chief Deputy Coroner and a Medical Transcriber. Without a Chief Deputy Coroner in place, the Coroner is now having to coordinate both the Physicians that handle autopsies as well as the scheduling and supervision of the duties of Deputy Coroners and the other associated administrative duties of the Chief Deputy Coroner. In reviewing the information provided by the Personnel Board, there is currently a list available for the position of Medical Transcriber. There are 8 persons on the certification list and register. Of those, 8 are female, 4 are black and 4 are white. Based on this urgent need, Jefferson County would request that the parties review the information and allow Jefferson County to hire a Medical Transcriber based on random selection. As to the position of Chief Deputy Coroner, there is no active register or list at this time. Consequently, the County would request that the parties agree to allow the County to request that the Board develop a list for this position. Once the list has been developed, the parties can review the candidates on the list and make a recommendation regarding the hiring of a Chief Deputy Coroner.

The Jefferson County Family Court is in need of a Chief Court Clerk and a Principal Court Clerk. The position of Chief Court Clerk supervises the operation of the Jefferson County Family Court Clerk's Office in the Birmingham Division and the position of Principal Court Clerk is in charge of the operation of the Jefferson County Family Court in the Bessemer Division. In reviewing the information submitted by the Personnel Board regarding these classifications, it appears that there is no active register or certification list for either of these two positions. The County would request that it be allowed by agreement of the parties to request that the Board compile a list of eligibles for these two classifications and present it to the parties for review after which the parties would revisit the method of selection for filling these two classifications within Family Court.

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Thanking you in advance for your urgent attention to these matters.

Sincerely,

*J. A. Lawson, II /knc*

T. A. Lawson, II  
Assistant County Attorney

TAL,II/knc

**Cockrell, Hope**

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**From:** Lawson, Theodore  
**Sent:** Thursday, January 24, 2013 11:11 AM  
**To:** Cockrell, Hope  
**Subject:** FW: U.S. v. Jefferson County

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**From:** Adelstein, Jay D (CRT) [<mailto:Jay.D.Adelstein@usdoj.gov>]  
**Sent:** Wednesday, January 23, 2013 8:21 AM  
**To:** Rachel Fritzler; Lawson, Theodore; [thosp@maynardcooper.com](mailto:thosp@maynardcooper.com); [gmurphy@maynardcooper.com](mailto:gmurphy@maynardcooper.com); [jahnert@maynardcooper.com](mailto:jahnert@maynardcooper.com); [smays@maynardcooper.com](mailto:smays@maynardcooper.com)  
**Cc:** Rowan Wilson; Lauren Rosenberg; Sperber, Joseph (CRT); [jveres@aum.edu](mailto:jveres@aum.edu)  
**Subject:** RE: U.S. v. Jefferson County

Based on the County's request from Theo Lawson in his letter dated January 18, the County proposes to follow its established procedures for recalling two Principal Buyers from its layoff list and requesting that the Jefferson County Personnel Board develop lists of eligibles for the positions of Deputy Coroner and Chief Court Clerk. The United States does not oppose the County's proposed actions.

With regard to the eight Clinical Nurse Practitioner and one Medical Transcriber vacancies, the County proposes to select from the qualified individuals on the certificate of eligibles for those positions. The Martin Bryant parties indicated by email dated January 22 that they do not object to the County's proposal; the United States also does not oppose the County's selection proposal.

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**From:** Rachel Fritzler [<mailto:rfritzler@cravath.com>]  
**Sent:** Tuesday, January 22, 2013 8:48 PM  
**To:** [lawsont@jccal.org](mailto:lawsont@jccal.org); [thosp@maynardcooper.com](mailto:thosp@maynardcooper.com); [gmurphy@maynardcooper.com](mailto:gmurphy@maynardcooper.com); [jahnert@maynardcooper.com](mailto:jahnert@maynardcooper.com); [smays@maynardcooper.com](mailto:smays@maynardcooper.com)  
**Cc:** Rowan Wilson; Lauren Rosenberg; Adelstein, Jay D (CRT); Sperber, Joseph (CRT); [jveres@aum.edu](mailto:jveres@aum.edu)  
**Subject:** U.S. v. Jefferson County

Counsel and Dr. Veres,

We are in receipt of Theo's letter dated January 18. We have no objection to the County's proposal to hire at random for the positions of Clinical Nurse Practitioner and Medical Transcriber. We also have no objection to the County's proposal to recall from the layoff list the two Principal Buyers as identified in the letter.

Regarding the County's proposal to request that the Personnel Board develop a list of eligibles for the positions of Chief Deputy Coroner and Chief Court Clerk, we have no objection, but we do not believe the County requires our permission to make such a request. Indeed, to the extent that the County can identify positions where it anticipates hiring where there is no active register, we believe it would be best for the County to make such requests to the Board as soon as possible, so long as notice is provided to the parties of all such requests.

Regards,

Rachel

Rachel M. Fritzler  
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